

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

**CECELIA AUGUSTINE LEWIS**  
269 FERGUS RD  
La Vergne, TN 37086  
SSN / ITIN: xxx-xx-5259  
**Debtor.**

CASE 15-06973  
CHAPTER 13

**JUDGE WALKER**

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: November 1, 2018**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: November 14, 2018 AT 8:30AM**  
**IN COURTROOM 1, 2ND FLOOR, CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TN 37203**

**NOTICE OF MOTION TO UTILIZE INSURANCE PROCEEDS**

The Debtor has asked the court for the following relief: Motion to Utilize Insurance Proceeds. YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before November 1, 2018, you or your attorney must:

1. File with the court written response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy court at (615)736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday – Friday, 8:00 A.M. – 4:00 P.M.).

2. Your response must state that the deadline for filing responses is November 1, 2018, the date of the hearing is **November 14, 2018 at 8:30 a.m.** and the motion to which you are responding is Motion to Utilize Insurance proceeds. If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must serve your response or objection by electronic service through the Electronic Filing System described above. You must also mail a copy of your response or objection to:

*Adrienne Trammell-Love, 7009 Lenox Village Dr., Suite 103, Nashville, TN 37211*  
*Chapter 13 Trustee-Henry Hildebrand III, P.O. Box 340019, Nashville, TN 37203*  
*US Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203*

If a timely response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

Dated: October 11, 2018

/s/ Adrienne Trammell-Love  
ADRIENNE TRAMMELL-Love #24759  
7009 Lenox Village Drive, Suite 103  
Nashville, TN 37211  
(615) 243-7979  
(615) 246-4186  
Email: [adrienne@tramlovelaw.com](mailto:adrienne@tramlovelaw.com)  
Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE**

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***MOTION TO UTILIZE INSURANCE PROCEEDS***

Comes now the Debtor(s), CECELIA AUGUSTINE LEWIS by and through counsel, ADRIENNE TRAMMELL-LOVE, and moves this Honorable Court utilize insurance proceeds which will be paid by State Farm Insurance in the manner requested. In support thereof, Debtor would show unto the Court as follows:

1. The Debtor(s) filed a Petition for Relief with this Court on September 30, 2015.
2. The plan was confirmed on November 24, 2015.
3. On or about September 16, 2018, the Debtor's 2016 Kia Optima (VIN Number 5XXGT4L33GG002210) was damaged in an accident.
4. Insolve Auto Funding, LLC (hereinafter referred to as "Insolve") holds a security interest in the vehicle.
5. Erie Insurance Company (hereinafter referred to as "Erie") has fully adjusted the claim and has already remitted total sum of \$12,291.13 to Insolve. This amount represents the Insolve's payoff amount for the totaled automobile.
6. Erie has also remitted a surplus amount made payable to the debtor and Capital Recovery Group, LLC (hereinafter referred to as "CRG") (Insolve's agent) in the amount of \$1151.81.
7. Both checks are being held by Angela Turpening of CRG.

Wherefore, premises considered, Debtors respectfully request that this Court issue an Order allowing and/or requiring the following:

1. Allowing Insolve to deposit insurance proceeds currently held in the amount of \$12,291.13 in full satisfaction of the of its secured claim.
2. Requiring Insolve to release the title and mail it to Erie Insurance at 2035 Lakeside Centre Way #140, Knoxville, TN 37922 and reference claim number A00001279708.
3. Requiring Insolve care of CRG to endorse the surplus insurance proceeds check in the amount of \$1151.81 and mail it directly to the debtor for use toward a replacement vehicle.

Respectfully submitted,

/s/ Adrienne Trammell-Love  
ADRIENNE TRAMMELL-LOVE #24759  
7009 Lenox Village Drive, Suite 103  
Nashville, TN 37211  
(615) 243-7979  
(615) 246-4186  
Email: [adrienne@tramlovelaw.com](mailto:adrienne@tramlovelaw.com)  
Attorney for Debtor

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(DRAFT)

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**ORDER TO UTILIZE INSURANCE PROCEEDS**

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On October 11, 2018, the Debtors filed a Motion to Utilize Insurance Proceeds. Notice of the motion was properly served in accordance with Federal Rule of Bankruptcy Procedure 2002 and Local Bankruptcy Rule 9013-1. The 21-day objection period referenced in the notice has expired without any response having been filed. It is therefore,

ORDERED that Insolve shall be granted permission to deposit insurance proceeds currently held in the amount of \$12,291.13 in full satisfaction of the of its secured claim. It is further

ORDERED that Insolve shall release the title of debtor's 2016 Kia Optima (VIN Number 5XXGT4L33GG002210) and mail it to Erie Insurance at 2035 Lakeside Centre Way #140, Knoxville, TN 37922 and reference claim number A00001279708. It is further

ORDERED that Insolve (care of CRG) shall endorse the surplus insurance proceeds check in the amount of \$1151.81 and mail it directly to the debtor for use toward a replacement vehicle.

SO ORDERED AND ENTERED:

**THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE  
TOP OF THE FIRST PAGE.**

**Approved for Entry:**

**/s/ Adrienne Trammell-Love**  
ADRIENNE TRAMMELL-LOVE #24759  
7009 Lenox Village Dr., Suite 103  
Nashville, TN 37211  
(615) 243-7979 Phone  
(615) 246-4186 Fax  
Email: Adrienne@tramlovelaw.com  
Attorney for Debtor